

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63318 of 2022

Arising Out of PS. Case No.-191 Year-2022 Thana- AMBA District- Aurangabad

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BRAJESH KUMAR S/o Madan Mehta R/o Village- Dadhpa Bigha, P.S.-
Kutumba, Distt- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Pravesh Nath Tiwari, Advocate

For the Opposite Party/s : Mr. Umanath Mishra, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 26-04-2023 Heard the parties.

The petitioner is in custody in connection with Amba P.S. Case No. 191 of 2022 under Sections 302, 307/34 of the Indian Penal Code lodged on 06.08.2022 by the informant, Sumun Kumari.

The prosecution story, in brief, is that the informant, Suman Kumari, on 5.8.2022, along with her brother Sonu Kumar and her husband Sujit Mehta had gone to Amba for marketing and while returning when they reached near Batane river, 4 persons on 2 motor-cycles came there and two persons who were sitting on the rear seat opened fire. The husband of the informant and Chandan Kumar sustained injury and fell down. It is further alleged that the informant identified one of the assailants who had opened fire as Akash Kumar Singh.



It is also alleged that the miscreants also fired on the informant and her brother but bullets did not hit him. Thereafter, it is alleged that all the miscreants fled away from the scene of the occurrence towards Navinagsar. It has been further alleged that the injured Chandan Kumar said that co-accused Akash Kumar Singh and Chuna Singh had fired on Ajit Mehta and identified a person, who was driving the motor- cycle as Nand Kishore. Thereafter, Sujit Mehta was immediately rushed to the Sadar Hospital where he has been declared dead. According to the informant, her husband was shot dead due to previous enmity with the accused persons. Accordingly, the FIR.

It has been contended by the learned counsel for the petitioner that the allegation has come against the co-accused persons, namely, Akash Kumar Singh and Chunnu Singh. So far as this petitioner is concerned, his name has cropped up in the confessional statement of the co-accused Purushottam Kumar @ Purushutam Kumar and Manish Kumar, who have since been granted the privilege of bail vide order dated 25.02.2023 passed in Cr. Misc. No. 66600 of 2022 and its analogous case.

Let the same be kept on record.

Learned APP for the State opposes the prayer for bail.

Considering the fact that the main allegation is against



the co-accused persons, namely, Akash Kumar Singh and Chunnu Singh, his name has come in the confessional statement of the co-accused persons, is in custody since 20.08.2022 (as stated in paragraph- 14 of the petition) and has no criminal antecedent, this court is inclined to extend him the privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad in connection with Amba P.S. Case No. 191 of 2022, subject to the following conditions:-

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or



promise or threat the witnesses or tamper with the evidences,
failing which the State shall be at liberty to take steps for
cancellation of his bail bonds;

(v) the petitioner shall desist from committing any
criminal offence again failing which the State shall be at liberty
to take steps for cancellation of the bail bonds.

(vi) the petitioner shall cooperate in the investigation
and make himself available to the police as and when required.

(Rajiv Roy, J)

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